AO 91 (Rev. 11/11) Criminal Complaint

# UNITED STATES DISTRICT COURT
for the
Northern District of New York

UNITED STATES OF AMERICA
v.
KEITH SEPPI
Defendant(s)

Case No. 5:17-MJ-37 (DEP)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 28, 2016 in the county of counties of Onondaga, Madison, and Oneida in the Northern District of New York and elsewhere the defendant(s) violated:

Code Section	*Offense Description*
Title 18, United States Code, Section 924(c)(1)(B)(ii).	On or about May 28, 2016, in Onondaga, Madison, and Oneida counties in the Northern District of New York and elsewhere, the defendant, Keith Seppi, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, specifically transporting in interstate commerce a bomb containing an explosive powder known as Pyrodex and gasoline knowing and intending that the bomb would be used to kill, injure, or intimidate an individual, in violation of Title 18, United States Code, Section 844(d), did knowingly use a firearm, in this case the destructive device described above, and in furtherance of this crime of violence knowingly possessed such a firearm, in violation of Title 18, United States Code, Section 924(c)(1)(B)(ii).

This criminal complaint is based on these facts:
Click here to enter text.

☒ Continued on the attached sheet.

H. Maxwell
Complainant's signature

Harold E. Maxwell, Special Agent, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 1/26/2017

Andrew T. Baxter
Judge's signature

City and State: Syracuse, NY

Andrew T. Baxter, U.S.M.J.
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Harold E. Maxwell, a Senior Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF"), being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with ATF, and have been so employed for over twenty-seven (27) years. Prior to that, I was employed with the United States Secret Service, Uniformed Division, White House Branch, for two (2) years. My education includes a Master of Science Degree in Interdisciplinary Social Science and a Bachelor of Science Degree in Criminal Justice. In addition, I have received approximately twelve (12) months of specialized training with ATF and the Secret Service at the Federal Law Enforcement Training Center in Glynco, Georgia and the U.S. Secret Service Training Center in Beltsville, Maryland. Further, I have received periodic training in the fields of firearms, controlled substances, arson, and explosives investigation.

2. As an ATF Special Agent, I conduct investigations involving violations of Federal firearms and explosives laws. During my service with ATF, I have conducted hundreds of criminal investigations involving the illegal possession of firearms and the intrastate, interstate, and international trafficking of firearms. Further, I also have experience in the investigation of the unlawful possession, trafficking, and criminal use of explosive devices. Many of these investigations were complex and involved racketeering enterprises and multiple-defendant conspiracies. As a federal agent, I am authorized to investigate violations of United States laws and to execute arrest and search warrants issued under the authority of the United States.

BASIS OF INFORMATION

3. This affidavit is made in support of a Criminal Complaint and an Arrest Warrant for Keith Seppi. I have been directly involved in this multiple-agency investigation, and I base this affidavit on that experience, as well as my conversations with, and my review of various reports and records from, investigators with the Oneida County Sheriff's Office, the New York State Police, and ATF. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of the investigation. Where the contents of documents and the actions, statements, and conversations of others are reported in this Affidavit, they are reported in substance and in part, unless otherwise indicated.

THE BOMBING ON MAY 29, 2016

4. Early in the morning on May 29, 2016, Alan P. Dobransky, a resident of Floyd, New York (a small, rural town outside of Utica, New York), walked to the end of the driveway at his home and bent over to pick up a package sitting there next to his mailbox. As Mr. Dobransky put his hands on the package and began to pick it up, it exploded, projecting metal, glass, and plastic fragments in all directions and igniting gasoline contained in three glass jars inside the explosive package. The explosion severely injured Mr. Dobransky and engulfed him in flames. The noise from the powerful explosion caused his wife to run out of their home. When she saw her husband on fire, she screamed and tried to help him by grabbing a garden hose and spraying him with water. The rush of warm air from the explosion was felt by a neighbor who was next door in his/her own front yard doing yard work, and caused him/her to fall down. The victim suffered severe injuries and burns on his hands, arms, and significant portions of his body, as

well as substantial internal injuries including severe burns to his lungs. He was in critical condition in a local hospital for an extended period of time, and for a significant portion of that time was placed by doctors in a medically-induced coma to help his body cope with the substantial injuries and pain. Miraculously, Mr. Dobransky survived the explosion and has been released from the hospital. He continues to recover from his injuries and suffers from a number of permanent disabilities caused by the blast and fire. It is expected that he will never be able to return to his prior job as a corrections officer.

5. Shortly after the explosion, 911 was called and police officers and paramedics arrived at the scene. While being transported to the hospital, the victim spoke with a person identified herein as Witness -1 (or "W-1") about the explosion. W-1 was interviewed by law enforcement and relayed that the victim told him/her that he (the victim) had seen a package that looked like a "UPS-type" box at the end of the driveway of his (the victim's) residence. W-1 further said the victim told him/her that the bomb exploded when he lifted the package off the ground.

6. Investigators also interviewed the victim's next-door neighbor ("Neighbor 1", hereinafter "N-1"). N-1 provided a Supporting Deposition in which he/she provided the following information in sum and substance:

a. that on May 29th at approximately 6:30am, while N-1 was outside of his/her residence, N-1 observed a box that was completely taped sitting in the victim's driveway next to his mailbox;

b. that at approximately 7:55am that morning, while still outside, N-1 heard the victim walking down his driveway and then observed him bending over. Suddenly, N-1 heard a very loud explosion and felt a warm rush of air from behind him/her. N-1 fell down from the effect of the blast;

c. that N-1 then heard the victim screaming and saw that he was on fire. N-1 saw him then run towards his house, and saw the lady he lives with spray him down with water from a hose; and that

d. N-1 then called 911.

7. Debris from the explosive device was recovered from the explosion scene, was processed into evidence, and submitted to the ATF Forensic Science Laboratory in Ammendale, Maryland for analysis.

8. Early in the investigation, I spoke with an ATF Special Agent/Certified Explosives Specialist who was present at the bomb scene on May 29, 2016. He preliminarily opined that the Destructive Device was electrically initiated and victim activated; likely contained pyrodex powder, which was confined in a heavy cardboard tube as a main explosive charge, in addition to several glass jars filled with an ignitable liquid to provide additional shrapnel and thermal effect; was powered by a Lithonia lighting battery (commonly used in emergency lighting and security alarm system applications); and was designed so that, once armed, it would explode when picked up and/or moved from its resting position on the ground. As further detailed below, his preliminary conclusions have been confirmed by the ATF Forensic Science Laboratory.

THE INVESTIGATION INTO THE BOMBING

9. The investigation of the bombing began almost immediately. Police officers responding to the scene initially determined that the package had been placed immediately adjacent to the victim's mailbox, which is the only mailbox by the driveway. The four digit house number was displayed on the outside of the mailbox, which was clearly visible from the street.

10. An additional neighbor (hereinafter "N-2,"), who lives approximately 0.3 miles down Old Floyd Road from the victim's residence, was interviewed by Investigators. N-2 provided a

Supporting Deposition in which he/she provided the following information in sum and substance:

a. N-2 lives on Old Floyd Road;

b. in the early morning hours on May 29th, at approximately 12:30a.m., N-2 returned to his/her residence from a trip. After arriving home, N-2 looked out the window of his/her home and observed a light colored mid-sized pickup truck, saw it turn around in the driveway directly across the street, and then saw it drive back toward the Fire Department in the opposite direction;

c. that he/she saw the truck drive slowly and flash its high beam lights when it got close to mailboxes. N-2 watched the truck go down the street and did not see it stop before losing sight of it; and that

d. N-2 works on cars and believes that the truck was a Dodge Dakota with an extended cab, approximately a 2005 model.

11. Neighbor 2's account is corroborated by video evidence that I have observed. A security camera placed at a courthouse located approximately 0.5 miles down Old Floyd Road from the victim's residence shows a light colored, extended-cab pickup truck traveling back and forth multiple times on Old Floyd Road over the span of about a 27 minute period beginning just before midnight (on May 28th) and ending just after midnight on May 29th.

12. A third neighbor across the street ("Neighbor 3" or "N-3") also has a surveillance video system on his/her property. Although the quality of that video does not allow for precise identification, it too depicts what appears to be a light-colored pickup truck driving up to the victim's residence. (The camera angle does not include the end of the victim's driveway, and therefore does not show who placed the package).

13. The investigation has also produced evidence identifying the driver of the pickup truck. After the bombing, law enforcement officers received a phone call from a hotel desk clerk at a hotel near the victim's residence, who said that he/she had information possibly related to the bombing. Following that lead, investigators interviewed the hotel clerk. The clerk provided a Supporting Deposition in which he/she stated the following, in sum and substance:

a. on May 28th, at approximately 11:15pm, while working in the back office, he/she observed an individual in the lobby area near the front desk of the hotel. He/she walked out to the counter. He/she described the individual as a white male, about early to mid-fifties in age, about six (6) feet tall, with a thin build, light brown and thin receding hair, missing four front upper teeth, wearing glasses, and wearing a light green pocket tee shirt with jeans. His speech was described as not well-educated as he did not enunciate his words and did not speak clearly;

b. this individual told the clerk he was completely lost and asked him/her for directions. He stated that he had printed out directions for Old 365 and Old Floyd Road. He handed him/her his printed-out directions, which listed a "set of round-about directions" to Old Floyd Road. After he/she took his directions, looked at them, and then put them down near the computer, he reached over and took them back; and

c. the individual also stated that he had been driving around a while and that he was trying to find Old Floyd Road. When the clerk asked him for the exact address that he was looking for, so that the clerk could Google it, he was reluctant to provide the address. The clerk started to feel nervous and uncomfortable. After again asking him for the numerical house address, he told him/her, "[the specific four-digit house number of the victim's residence] Old Floyd Road." The clerk then typed that address into Google and printed out the directions for him. He/she then read the directions to him and provided him with the printed directions from his/her computer. The individual then said thank you and walked out of the hotel lobby.

14. Security cameras at the hotel captured images of the man speaking with the clerk. The man shown in those images matches the description provided by the clerk. In addition, hotel security camera footage of the parking lot in front of the hotel lobby shows that the man arrived in a light colored, extended cab pickup truck.

15. During interviews by investigators, W-1 stated that last Fall he/she and the victim had visited the residence of a subject ("S-1") in Conneaut, Ohio, where the victim's mother was then living with and being cared for by S-1. They were there to move the victim's mother out of S-1's home and into another person's (Witness 2 or "W-2") residence. The victim's mother had lived with and been cared for by S-1 in S-1's home for approximately five years, up until this past Fall. W-1 further stated that while he/she and the victim were moving the victim's mother from S-1's property last Fall, there was another male individual present at the house, who W-1 described as a "hillbilly" white male, about in his 40's or 50's, about 6 feet tall, thin, and with balding hair.

16. W-1 further told investigators that, approximately two to three weeks prior to the explosion, the victim had had an argument with S-1. Several weeks prior to the bombing, the victim had come to believe that S-1 had stolen from his (the victim's) mother a sizeable amount of money while his mother had been living in the home of, and being cared for by, S-1. In mid-May of 2016, when the victim called S-1 to confront her with his accusation, S-1 hung up the phone. According to W-1, the victim then sent S-1 several text messages regarding that accusation using his (the victim's) cellular phone, explaining that he was going to hire a lawyer if S-1 did not return the money within three days.

17. W-1's account of the dispute was corroborated by W-2. In the Fall of 2015, when the victim and W-1 moved the victim's mother out of the residence of S-1, they moved her into the residence of W-2. W-2 subsequently lived with and cared for the victim's mother. W-2 reported to investigators that, when the victim and W-1 were at the home of S-1 moving the victim's mother out, W-2 was also present. W-2 added that when the victim and W-1 learned that some of the mother's property was locked in a shed behind S-1's house, S-1 refused to unlock the shed or provide a key or any access to the shed.

18. W-2 further told investigating officers that the victim's mother had received an insurance settlement check of approximately $10,000. W-2 also learned through the local bank that on 4/22/16, S-1 had the victim's mother sign the settlement check and open a joint bank account with her (S-1) for that $10,000 amount. A review of the bank statements by W-2, and shared with law enforcement, showed that between late April and early May of 2016, S-1 had withdrawn approximately $6,800 from that account.

19. W-2 further stated that the victim's mother had told him/her that the victim's mother had had a large sum of money in another account and that that money had also been depleted. Additionally, the victim's mother told W-2 that she (the victim's mother) had sold a car and that the proceeds from the sale of the car were now missing. The victim's mother also told W-2 that she was then $70,000 in debt and recently had to file for bankruptcy. W-2 relayed this information to the victim, which led the victim to confront and communicate with S-1.

20. An additional interview with W-2 determined that W-2 was familiar with an individual connected to S-1 who was missing four (4) front teeth. W-2 related that when the victim and W-1 were moving the victim's mother out of the residence of S-1 last Fall, several people were there including an individual he/she knew to be the brother-in-law of S-1, who had four (4)

missing teeth. This brother-in-law was further described as tall, about 5'10" to 5'11", slim build, brown hair, and about 40's to 50's in age. This brother-in-law was reported to be married to a sister of S-1.

IDENTIFICATION OF KEITH SEPPI

21. At this point in the investigation, investigators had: (i) a video of the man, wearing glasses, at the hotel asking the clerk for directions to the victim's residence on the night before the bombing – who the clerk described, in part, as missing four upper front teeth; (ii) a video of a light-in-color extended cab pickup truck parked in front of the hotel lobby while the man sought directions from the hotel clerk; (iii) a video from the courthouse surveillance camera showing a light in color extended cab pickup truck driving back and forth on Old Floyd Road at about midnight the night before the bombing; (iv) the victim's neighbor's (N-2's) identification of a Dodge Dakota pickup truck driving on the victim's street the night before the bombing appearing to flash bright lights from the pickup truck on mailboxes near the victim's home; and (v) the independent statement from W-2 that the brother-in-law of S-1 (who had been present when the victim and W-1 were moving the victim's mother out of S-1's house) also was missing four front teeth. Records checks were then run to determine the identity of S-1's brothers-in-law, to permit further records checks of them. Those records checks showed that one of S-1's sisters is married to an individual named Keith Seppi, and thus Seppi is a brother-in-law to S-1.

22. Investigators then researched and obtained the Ohio Driver's License and Registration information for Keith Seppi. These records indicate that Seppi has the following vehicle registered to him in Ohio: 2008 Dodge truck, silver, plate #GNY2106. These records also indicate that Seppi wears corrective lenses.

23. Investigators then researched New York State license-plate reader records from the New York State Intelligence Center (NYSIC), relative to any travel of the 2008 Dodge Dakota, #GNY2106 on the New York State Thruway on May 28, 2016 and May 29, 2016, the day before and the day of the bombing. Records were obtained showing multiple images of the light-colored pick-up truck with extended cab and bearing that license plate traveling eastbound from southwest New York State to central New York State, and then traveling westbound after the time that vehicle had appeared in images from cameras at the above-referenced hotel, within several miles of the bombing victim's residence.

24. I have reviewed Seppi's photograph from the Ohio Department of Motor Vehicles and believe that the driver's license photo resembles the individual shown in the surveillance footage from the above-referenced hotel near the victim's residence.

25. On June 3, 2016 Investigators showed the hotel clerk a photographic line-up consisting of six photographs. The hotel clerk positively identified the individual in photograph #4 as the individual who had come into the hotel on May 28, 2016 and asked him/her for directions to the address of the victim's residence on Floyd Road. Photograph #4 was a photograph of Keith Seppi.

KEITH SEPPI'S ARREST, AND WRITTEN AND ORAL ADMISSIONS

26. On June 7, 2016, based in part on the above information, Keith Seppi was arrested at his Conneaut, Ohio residence by a team of federal, State, and local authorities. Subsequent to his arrest, Oneida County Sheriff's Office Investigator Ferguson and I transported Seppi to the Ashtabula County Sheriff's Office. Seppi was given Miranda warnings, which he waived and acknowledged verbally and in writing. Investigator Ferguson and I interviewed Seppi, and he admitted, among other things, the facts set forth in the paragraphs appearing immediately below.

27. In May 2016, he learned that Mr. Dobransky, the victim, had accused his sister-in-law (S-1) of stealing money from the victim's mother and had threatened to report the theft to the local authorities. Shortly thereafter, he constructed a bomb (the "Destructive Device") at his home in Conneaut, Ohio. The Destructive Device was designed to detonate when, after being armed, it was moved off the ground. Construction of the Destructive Device included three glass jars filled with gasoline, a container filled with the explosive powder Pyrodex, and an electrical firing system designed so the bomb would detonate when it was lifted.

28. In the late afternoon and evening hours of May 28, 2016, he (Keith Seppi) drove from his home in Conneaut, Ohio, with the Destructive Device in his truck, to the victim's home in Floyd, New York, using, in substantial part, the New York State Thruway. Around midnight, he placed the Destructive Device, which he had designed to look like a parcel package, on the victim's driveway, beside the victim's mailbox. Using a string at a distance of more than 100 feet from the positioned Destructive Device, he then removed a safety mechanism, thereby activating the Destructive Device so that it would detonate when lifted.

29. During this June 7, 2016 interview, which was recorded (audio and video), Keith Seppi provided investigators with a signed, sworn written statement describing why he made the Destructive Device, his transportation of the Destructive Device from Ohio to the victim's residence in New York, his planting of the Destructive Device in the victim's driveway, his arming the bomb, and his return to Ohio. He also provided a diagram/sketch of the completed device and its components.

30. Keith Seppi recently further acknowledged to federal authorities that when he built the Destructive Device, transported it in his truck from Ohio to New York, armed it, and placed it at the victim's residence, he intended to injure and intimidate the victim.

ATF FORENSIC INVESTIGATION OF THE DESTRUCTIVE DEVICE

32. On June 9, 2016 an ATF Forensic Chemist examined, in part, the clothing worn by bombing victim Dobransky at the time of the explosion to include his tee shirt, shorts, socks, and sneakers. It was determined that these items contained gasoline, an ignitable liquid.

33. On October 18, 2016 an ATF DNA Specialist preliminarily determined, in part, that the known DNA profile reference sample from Keith Seppi was consistent with DNA profiles obtained from the device string. (This string was part of the safe-arm component of the device).

34. On November 15, 2016 an ATF Forensic Chemist examined one of the recovered jar lids from bomb scene and determined that the lid was for a 24 fluid ounce container of Great Gherkins Mildly Sweet Bread and Butter Chips (pickles). It was further determined that the underside of the lid contained residues of Hodgdon Pyrodex, a black powder substitute.

35. Also on November 15, 2016, an ATF Explosives Enforcement Officer examined the physical evidence of the bomb and determined that it was designed as a victim-initiated booby-trap type device that was contained within a cardboard box and placed on the victim's driveway. Examination further determined that the device, in part, was constructed of: a plastic bottle filled with the explosive powder Pyrodex inside of a cardboard cylinder; three glass jars containing gasoline, an incendiary liquid; an electrical firing system, which included a battery, wiring, metal tabs and brackets, a switch, and an igniter; and a length of twine, plastic, and wood to construct two separate safe/arm switches. In short, the device functioned when the victim picked up the cardboard box containing the device. The bomber armed the device by paying out the twine to a safe distance and removing two positive blocks in the electrical circuit, thereby supplying a path for battery current to the firing switch and freeing the movement of the anti-lift switch, waiting for the device to be lifted. Once the box was lifted a sufficient distance (about ½ inch off the

ground), the electrical circuit was completed supplying battery current to the igniter inside the bottle of Pyrodex. The current ignited the explosive powder and caused it to explode. The explosion shattered the glass jars containing the gasoline, and igniting it. The explosion projected cardboard, plastic, and metal fragments within a fireball in all directions. Significantly, the ATF forensic examination also has determined that the explosive device referenced above: (i) is properly identified as an explosive and incendiary bomb; and (ii) that explosive and incendiary bombs are 'destructive devices' as that term is defined in Title 26, United States Code, Section 5845(f).

ATF RECORDS CHECKS ON KEITH SEPPI

36. On June 3, 2016 an ATF Senior Industry Operations Investigator determined through ATF records checks that Keith Seppi was never issued a federal explosives license.

37. On June 3, 2016 an ATF NFA Records Examiner determined through records checks in the National Firearms Registration and Transfer Record that Keith Seppi was never issued any NFA firearm registrations. The definition of a firearm includes destructive devices, a term defined to include explosive or incendiary bombs. (Title 26, United States Code, Section 5845(f); Title 18, United States Code, § 921(a)(3)(D) and (4)(A)(i)).

CONCLUSION

38. Based upon the above information, I respectfully submit there is probable cause to believe that Keith Seppi on or about May 28, 2016, in Onondaga, Madison, Oneida Counties, and elsewhere, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, specifically, transporting in interstate commerce a destructive device/bomb with the knowledge or intent that it would be used to kill, injure, or intimidate an

individual, in violation of Title 18, United States Code, Section 844(d), did knowingly use a firearm (here a destructive device/bomb, as defined in Title 26, United States Code, Section 5845(f) and Title 18, United States Code, 921(a)(4)(A)(i)), and in furtherance of such a crime of violence did knowingly possess such a firearm/destructive device, all in violation of Title 18, United States Code, § 924(c)(1)(B)(ii).

Harold E. Maxwell,
Senior Special Agent, ATF

Sworn to and subscribed before me
this 26th day of January, 2017.

Hon. Andrew T. Baxter
United States Magistrate Judge